

Exhibit 5

From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>
Sent: Thursday, September 9, 2021 11:13 AM
To: Sappington, Matthew; Amir Alimehri; Schnitzer, David A.; Malecki, Andrew S; Vaughn, Wendy E; Senger, Molly T.; kstoops@sommerspc.com
Cc: jthompson@sommerspc.com; Seth Lesser; Bailey, Elaina S; Schwartz, Jason C.; Nelson, Karl G.; Doerr, Adam; Dziuban, Michael R.; Fitzgerald, Cara; Timothy Becker; Johnston, Rod M; tkashima@sommerspc.com; Ash, Rob; Nichols, Debbie A; DeCoste, Annette; Zack Kaylor; jrusch@johnsonbecker.com; Gorman, Brian; Gregory, Matt; Mousa, Amina; Malecki, Andrew S; Vanderbeke, Danelle J
Subject: RE: Lowe's MDL | Depositions
Attachments: Dan Buechel-AMENDED Notice of Deposition.pdf; Wayne Brooks-AMENDED Notice of Deposition.pdf; Chris Grimley - AMENDED Notice of Deposition.pdf; Paul Cook-AMENDED Notice of Deposition.pdf; Peter McCarthy-AMENDED Notice of Deposition.pdf

[WARNING: External Email]

Good Morning Counsel,

Please see below for updates:

Deponent	Date	Start Time	Plaintiffs' Comments re Status
Krogman, Teresa	9/13/2021	9:30 AM	Ms. Krogman's mother passed and we will need to postpone and reschedule
Hern, Trisha	9/14/2021	9:30 AM	Postpone and reschedule
Justice, James	9/14/2021	1:30 PM	Postpone and reschedule- See below
Austin, Tammy	9/16/2021	9:30 AM	Postpone and reschedule
Flowers, Joseph	9/16/2021	9:30 AM	Postpone and reschedule
Richardson, Robert	9/16/2021	1:30 PM	Postpone and reschedule- See below
Braley, Brandy	9/17/2021	9:30 AM	Postpone and reschedule
Arroyo, Lucio	9/17/2021	1:30 PM	Confirmed

The following Opt-Ins are having difficulty taking time off of work to participate in the depositions during regular business hours. They do not want to be dismissed from the litigation and would like to take part in the deposition, but there is a hardship being put on them regarding the choices they have to make to keep their job or be dismissed from the case. We would like to propose that for those that are having difficulties with scheduling that weekend or evening depositions be considered and made available. Please review the following:

- James Justice- His current employer is short staffed, additionally there is another employee out with Covid-19. Mr. Justice is providing coverage for that employee while trying to manage his own workload. His current work schedule is Monday to Friday 9am-5pm ET and Saturday's schedule varies. Mr. Justice is available after 5pm ET during the week, usually Saturday afternoon and anytime on Sunday.
- James Farrenkopf- His current work schedule is Monday to Friday 7am-5pm ET and Saturday 8am-2pm. Mr. Farrenkopf was trying to schedule time at work to participate in the deposition, but he would not be able to remain uninterrupted for the allotted amount of time the deposition would take. It is also difficult for him to take time off right now. Mr. Farrenkopf is available after 5pm ET during the week, Saturday afternoon after 2pm and anytime on Sunday.
- Ryan Murphy- He just started a new job and current work schedule is Monday to Friday 9am-5pm ET. Considering he has just started his current job he does not have any vacation or personal time to use to participate in the deposition and would lose an entire day's pay. Losing a day's pay would put a financial burden on Mr. Murphy and his family. He does not want to risk losing his job either. He is available after 5pm ET and on the weekends.
- Matthew Arens- He has started a new job and had to travel for training. At this time he does not have an vacation or personal time to use to participate in a deposition causing a loss of pay for him. Losing a day's pay would put a financial burden on Mr. Arens and his family and he does not want to risk losing his new job. Mr. Arens is available in the evening or on the weekends.
- Matthew Thornton- He is finding it difficult to get the required time off from his employer to participate in the deposition during regular business hours. The time conflicts with his current work schedule and he is afraid he will lose his job or be dismissed from the case depending on the choice he makes. He is available in the evening or on the weekends.

Additional deposition availability:

- Robert Richardson is available September 19th or September 24th. Please advise which date works for you and issue an amended notice please.
- Denise Reyes is confirmed for September 20th at 9:30am ET
- Sarah Pierce is confirmed for September 28th at 1:30pm ET
- Mary Kuemper is confirmed for September 23rd at 1:30pm ET
- Jeff Hail is confirmed for September 24th at 9:30am ET
- Dan Fitzpatrick is confirmed for September 22nd at 1:30pm ET

Please find an amended deposition notice for the following:

- Paul Cook is confirmed for September 24th at 9:30am ET
- Peter McCarthy is confirmed for September 29th at 1:30pm ET
- Chris Grimley is confirmed for September 29th at 1:30pm ET
- Dan Buechel is confirmed for September 29th at 9:30am ET
- Wayne Brooks is confirmed for September 30th at 9:30am ET

- Please advise if Jennifer Melvin-Workforce Management Engineering Manager is available September 22nd or September 28th. Unfortunately, September 21st does not work for us.

Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group
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From: Sappington, Matthew <MSappington@gibsondunn.com>

Sent: Wednesday, September 8, 2021 9:24 PM

To: Amir Alimehri <amir.alimehri@klafterlesser.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADOerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zckaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S

<AMalecki@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Please note the following with regard to deposition scheduling:

1. **Paul Cook** is available to be deposed on 9/24. If that date works for you, please issue an amended notice of deposition.
2. **Peter McCarthy** is available to be deposed on 9/29 at 1:30 p.m. ET. If that date/time works for you, please issue an amended notice of deposition.
3. **Chris Grimley** is available to be deposed on 9/30 at 1:30 p.m. ET. If that date/time works for you, please issue an amended noticed of deposition.
4. We still are waiting on you to confirm which of the eight not-yet-confirmed depositions scheduled for next week will be proceeding. See my 9/7 11:45 a.m. email below. Please provide that information ASAP. It is now less than one week's notice for almost half of the listed deponents.
5. Relatedly, please be advised that, beginning **tomorrow morning**, if Plaintiffs have not confirmed or otherwise provided availability for noticed deponents' depositions a full week before the deposition is noticed to begin, Lowe's will consider Plaintiffs to have cancelled those depositions.

We look forward to hearing from you ASAP.

Thanks,
Matt

Matthew Sappington

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From: Sappington, Matthew

Sent: Tuesday, September 7, 2021 12:34 PM

To: Amir Alimehri <amir.alimehri@klafterlesser.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com
Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S

<AMalecki@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

Counsel:

Susan Addison's deposition (currently scheduled for 9/17) needs to be postponed. Ms. Addison is available to be deposed on 9/21–24 and 9/27. If any of those dates work for you, please issue an amended notice of deposition.

Thanks,
Matt

Matthew Sappington

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From: Sappington, Matthew

Sent: Tuesday, September 7, 2021 11:45 AM

To: Amir Alimehri <amir.alimehri@klafterlesser.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRash@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

Counsel:

Please note the following with regard to deposition scheduling:

1. We look forward to receiving the amended notice for the 9/29 deposition of **Dan Buechel**.
2. **Wayne Brooks** is available to be deposed on 9/30 at 9:30 a.m. Please issue an amended notice of deposition.
3. **Nancy Carroll** is available to be deposed on 9/29 or 9/30. If either of those dates work for you, please issue a notice of deposition.
4. **Brittany Fitzmaurice** is available to be deposed on 9/24 (beginning at 12:00 p.m. ET) or 9/29 (beginning at either 8:00 a.m. ET or 1:00 p.m. ET). If any of those dates/times work for you, please issue a notice of deposition.
5. Please confirm ASAP whether the below depositions scheduled for next week—half of which we noticed on 8/9 but about which we have heard nothing from you—will proceed as-noticed.

Deponent	Date	Start Time	Plaintiffs' Comments re Status
Krogman, Teresa	9/13/2021	9:30 AM	
Hern, Trisha	9/14/2021	9:30 AM	
Justice, James	9/14/2021	1:30 PM	
Austin, Tammy	9/16/2021	9:30 AM	
Flowers, Joseph	9/16/2021	9:30 AM	
Richardson, Robert	9/16/2021	1:30 PM	
Braley, Brandy	9/17/2021	9:30 AM	
Arroyo, Lucio	9/17/2021	1:30 PM	

We look forward to hearing from you ASAP.

Thanks,
Matt

Matthew Sappington

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From: Amir Alimehri <amir.alimehri@klafterlesser.com>
Sent: Saturday, September 4, 2021 8:03 PM
To: Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com
Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>
Subject: Re: Lowe's MDL | Depositions

[WARNING: External Email]

Counsel:

Please consider **Dan Buechel** confirmed for 9/29, as you requested; we will issue an amended notice. As for **Wayne Brooks** (which we noticed for 9/29, for which you have not yet responded), please seek his availability for 9/30 instead; we will issue an amended notice once you confirm.

Thank you.

Amir Alimehri

Klafter Lesser LLP

914-934-9200; 314 (Direct)

amir.alimehri@klafterlesser.com

From: "Schnitzer, David A." <DSchnitzer@gibsondunn.com>

Date: Friday, September 3, 2021 at 6:43 PM

To: "Vanderbeke, Danelle J" <DVanderbeke@sommerspc.com>, "Sappington, Matthew" <MSappington@gibsondunn.com>, "Malecki, Andrew S" <AMalecki@sommerspc.com>, "Vaughn, Wendy E" <WVaughn@sommerspc.com>, "Senger, Molly T." <MSenger@gibsondunn.com>, "kstoops@sommerspc.com" <kstoops@sommerspc.com>

Cc: "jthompson@sommerspc.com" <jthompson@sommerspc.com>, Seth Lesser <seth@klafterlesser.com>, "Bailey, Elaina S" <EBailey@sommerspc.com>, "Schwartz, Jason C." <JSchwartz@gibsondunn.com>, "Nelson, Karl G." <KNelson@gibsondunn.com>, "Doerr, Adam" <ADoerr@robinsonbradshaw.com>, "Dziuban, Michael R." <MDziuban@gibsondunn.com>, "Fitzgerald, Cara" <CFitzgerald@gibsondunn.com>, Timothy Becker <tbecker@johnsonbecker.com>, Amir Alimehri <amir.alimehri@klafterlesser.com>, "Johnston, Rod M" <RJohnston@sommerspc.com>, "tkashima@sommerspc.com" <tkashima@sommerspc.com>, "Ash, Rob" <CRAsh@sommerspc.com>, "Nichols, Debbie A" <DNichols@sommerspc.com>, "DeCoste, Annette" <ADeCoste@sommerspc.com>, Zack Kaylor <zkaylor@johnsonbecker.com>, "jrusch@johnsonbecker.com" <jrusch@johnsonbecker.com>, "Gorman, Brian" <BGorman@gibsondunn.com>, "Gregory, Matt" <MGregory@gibsondunn.com>, "Mousa, Amina" <AMousa@gibsondunn.com>, "Malecki, Andrew S" <AMalecki@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

Counsel:

As you know, Ms. Rader's deposition for next Tuesday afternoon was previously confirmed, including for the different (2:30 PM) start time she specifically requested. Given the last-minute nature of the cancellation, we will be forwarding any expenses incurred with Veritext.

Best wishes for the holiday weekend.

-David

David A. Schnitzer

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Friday, September 3, 2021 5:34 PM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADOerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Counsel,

We will need to cancel Opt-In Susy Rader's deposition scheduled for 09/07/21 and reschedule as soon as we have Ms. Rader's availability.

Thank you.

Regards,

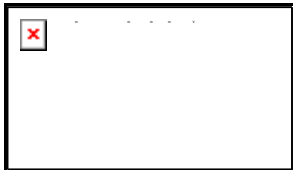
Danelle J. Vanderbeke

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From: Sappington, Matthew <MSappington@gibsondunn.com>

Sent: Friday, September 3, 2021 11:59 AM

To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADOerr@robinsonbradshaw.com>; Dziuban, Michael R.

<MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Please note the following with regard to deposition scheduling:

Depositions Noticed by Lowe's

1. We confirm the deposition of **James Hight** for 9/9 at his requested start time of 12:00 p.m. ET. An amended notice of deposition is attached.
2. Given the "open availability" of **Georgina Ortiz**, please find attached an amended notice of deposition for Ms. Ortiz for 9/13 at her requested start time of 1:30 p.m. ET. Please confirm that that date/time still work for Ms. Ortiz.
3. Given the Tuesday and Wednesday availability of **David Berry**, please find attached an amended notice of deposition for Tuesday, 9/14 at Mr. Berry's requested start time of 1:30 p.m. ET. Please confirm that that date/time still work for Mr. Berry.
4. Thank you for confirming the depositions of **Sarah Austin** (9/13 at 1:30 p.m. ET), **Brian Alto** (9/15 at 9:30 a.m. ET), and **Sandra Keenon** (9/15 at 1:30 p.m. ET).

Depositions Noticed by Plaintiffs on 8/31

5. **Dan Buechel** is not available to be deposed on 9/30, but he is available on 9/29. If that date works for you, please issue an amended notice of deposition.
6. **Geary Trautwein** (noticed as "Gerry" Trautwein for a date TBD in September) opted into the FLSA collective on February 19, 2020 and, accordingly, we understand is your client in this litigation. *See Danford* ECF No. 157-5. We also served discovery directed at him earlier this week. Accordingly, we assume you do not want us to reach out to Mr. Trautwein regarding deposition availability, but please let us know whether we are mistaken.
7. At least eight of the individuals first noticed for deposition by Plaintiffs on 8/31 are former Lowe's employees. We are working to contact them regarding dates for their depositions, but you should assume that the depositions will not go forward on the noticed dates (where specific dates were provided). Those former employees are:
 - a. **Omar Cuessy** (noticed for a date TBD in September)
 - b. **Bryan Fuller** (noticed for 9/30)
 - c. **Darryle Hodges** (noticed for 9/30)
 - d. **Steven Kirby** (noticed for 9/30)

- e. **Bryce McGuire** (noticed for 9/30)
- f. **Isabel Trombley** (noticed for a date TBD in September)
- g. **Robert Tyndall** (noticed as Robert "Tindell" for a date TBD in September)
- h. **Edward Watkins** (noticed for 9/30)

8. We are working diligently to confirm the availability of the other witnesses whom Plaintiffs noticed on 8/31.

Thanks,
Matt

Matthew Sappington

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Wednesday, September 1, 2021 5:36 PM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Good Evening Counsel,

We have been in contact with William Long and Mr. Long will not be participating in his deposition scheduled for tomorrow, Thursday, September 2, 2021. Mr. Long will be withdrawing and dismissed from the litigation.

Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group



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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Wednesday, September 1, 2021 5:06 PM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Malecki, Andrew S <AMalecki@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

Counsel,

Please find updates and amended deposition notices attached for the following:

- Nicholas Caughell (30(b)(6) IL)- Friday, September 3, 2021 at 9:00am ET
- Douglas Goto (30(b)(6) MD, WV)- Wednesday, September 22, 2021 at 9:30am ET
- David Berry is available Tuesday's or Wednesday's for his deposition. Mr. Berry works third shift and would prefer to start his deposition at 1:30pm ET/ 12:30pm CT.
- James Hight is available Friday, September 9, 2021 for his deposition. Mr. Hight is in the Mountain Time Zone and would like to start his deposition at 12:00pm ET/ 10:00am MT if possible.

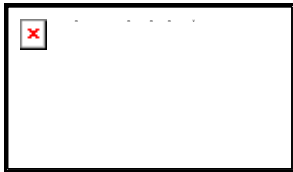
- Georgina Ortiz has open availability for her deposition. Ms. Ortiz would prefer to start her deposition at 1:30pm ET.
- Brian Alto has confirmed his deposition scheduled for September 15th at 9:30am ET
- Sarah Austin has confirmed her deposition scheduled for September 13th at 1:30pm ET
- Sandra Keenon has confirmed her deposition scheduled for September 15th at 1:30pm ET
- Carrie Krapf will be dismissed from the litigation.

Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group
 One Towne Square, 17th Floor | Southfield, MI 48076
 Direct Dial: (248) 746-4593 | Direct Fax: (248) 936-2147
dvanderbeke@sommerspc.com | www.sommerspc.com



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From: Sappington, Matthew <MSappington@gibsondunn.com>

Sent: Wednesday, September 1, 2021 4:21 PM

To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina

<AMousa@gibsondunn.com>; Sappington, Matthew <MSappington@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Please note the following:

1. As you know, **Oscar Valiente** failed to appear for his 2:30 p.m. deposition today without explanation, despite the fact that this was a date and time that he specifically requested just six days ago (and which Lowe's confirmed just five days ago). As you also know, this is the second time he has failed to appear for his deposition, after previously failing to appear on May 21, which we understand was due to a family medical situation. Accordingly, we assume you will agree to dismiss him from the case, but please let us know if we are mistaken. Additionally, we will be forwarding to you for payment the invoices for cancellation fees associated with Mr. Valiente's deposition. Let us know if you need further information to process the payments.
2. We confirm that **Nicholas Caughell** is available to begin his deposition at 9:00 a.m. ET on 9/3. Please issue an amended notice of deposition.
3. **Douglas Goto** is available to be deposed on 9/22. Please send a corrected, amended notice of deposition.

Thanks,
Matt

Matthew Sappington

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Wednesday, September 1, 2021 8:07 AM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRash@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Counsel,

Mr. Goto's deposition is cancelled for 09/02/2021 and will not be proceeding. Please advise if Mr. Goto is available 09/21/2021, 09/22/2021 or 09/23/2021. If he is unavailable at those requested dates, please advise of alternative dates when Mr. Goto is available.

Thank you.

Regards,

Danelle J. Vanderbeke

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From: Sappington, Matthew <MSappington@gibsondunn.com>
Sent: Tuesday, August 31, 2021 9:46 PM
To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>
Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Sappington, Matthew <MSappington@gibsondunn.com>
Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]
Counsel:

With respect to Mr. Goto, please note that we specifically advised you that he was not available on 9/16. (Highlighted below). Therefore, please advise ASAP whether you will be proceeding on 9/2 as previously agreed.

Thanks,
Matt

Matthew Sappington

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Tuesday, August 31, 2021 6:37 PM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Good Evening Counsel,

Please find the following updates:

1. Douglas Goto (30(b)(6) WV, MD) will not be proceeding on 09/02/2021. Please find an amended deposition notice confirming Mr. Goto's deposition for 09/16/2021 at 9:30am ET.
2. Please find an amended deposition notice for Greg Morris confirming his deposition for 09/23/2021 at 9:30am ET.
3. We have been informed by Cameron Quick that he has had a death in his family and will need to cancel his deposition scheduled for 09/03/2021. We will advise of a date that Mr. Quick is available to reschedule as soon as possible.
4. We have been informed by Matthew Arens that he will be traveling for work and will need to cancel his deposition scheduled for 09/10/2021. We will advise of a date that Mr. Arens is available to reschedule as soon as possible.

5. Please find a notice of deposition for Susan Addison confirming her deposition on 09/17/2021 at 9:30am ET.

6. Please find below information regarding upcoming depositions:

Oscar Valiente- 09/01/2021	[REDACTED]@gmail.com	Elaina Bailey	EBailey@sommerspc.com Cell: (734) 552-2175
William "Scott" Long- 09/02/2021	[REDACTED]@yahoo.com	Rob Ash	CRAsh@sommerspc.com Cell: (734) 347-3390
Christopher Johnson- 09/03/2021	[REDACTED]@gmail.com	Rod Johnston	RJohnston@sommerspc.com Cell: (586) 321-8466

7. Please find the following deposition notices attached:

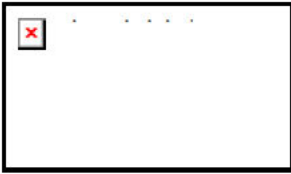
- a. Bryan Fuller-09/30/2021
- b. Bryce McGuire-09/30/2021
- c. Chris Grinmley-09/30/2021
- d. Dan Buechel-09/30/20221
- e. Darryle Hodges-09/30/2021
- f. David Pavia-Date TBD in September 2021
- g. Douglas Goto-09/16/201
- h. Edward Watkins-09/30/2021
- i. Gary Dykes- Date TBD in September 2021
- j. Gerry Trautwein--Date TBD in September 2021
- k. Greg Morris- 09/23/2021
- l. Isabel Trombley--Date TBD in September 2021
- m. Michael Limbert--Date TBD in September 2021
- n. Mike Norsworthy--Date TBD in September 2021
- o. Omar Cuessy--Date TBD in September 2021
- p. Paul Cook--Date TBD in September 2021
- q. Peter McCarthy--Date TBD in September 2021
- r. Robert Tindell--Date TBD in September 2021
- s. Shawn Kuntz--Date TBD in September 2021
- t. Steven Kirby-09/30/2021
- u. Susan Addison-09/17/2021
- v. Wayne Brooks-09/29/2021

Thank you.

Regards,

Danelle J. Vanderbeke

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From: Sappington, Matthew <MSappington@gibsondunn.com>

Sent: Monday, August 30, 2021 7:39 PM

To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Sappington, Matthew <MSappington@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Thank you for the updates. Please note the following:

1. **Douglas Goto is unavailable on 9/14 and 9/16.** Please advise whether his deposition will be proceeding on 9/2, as agreed. If so, please note that we still do not have corrected notices of deposition for his deposition.
2. We are checking regarding the start time of Nicholas Caughell and will get back to you ASAP.
3. **Greg Morris** is available to be deposed on 9/23 at 9:30 a.m. ET. If that date works for you, please issue an amended notice of deposition.
4. Consistent with Molly's email of earlier today, please find attached notices of deposition for 20 additional Opt-In Plaintiffs, for the dates/times set forth below.

Deponent	Date	Start Time (ET)
Flowers, Joseph	9/16/2021	9:30 AM
Richardson, Robert	9/16/2021	1:30 PM

Braley, Brandy	9/17/2021	9:30 AM
Arroyo, Lucio	9/17/2021	1:30 PM
Reyes, Denise	9/20/2021	9:30 AM
Loubriel, Juan	9/20/2021	1:30 PM
James, Marc	9/21/2021	9:30 AM
Bottomley, Joshua	9/21/2021	1:30 PM
Linehan, Denise	9/22/2021	9:30 AM
Fitzpatrick, Daniel	9/22/2021	1:30 PM
Green, Brianna	9/23/2021	9:30 AM
Kuemper, Mary	9/23/2021	1:30 PM
Hail, Jeff	9/24/2021	9:30 AM
Delgadillo, Michael	9/24/2021	1:30 PM
Martin, Kathleen	9/27/2021	9:30 AM
Coleman, Jordan	9/27/2021	1:30 PM
Farrenkopf, James	9/28/2021	9:30 AM
Pierce, Sarah	9/28/2021	1:30 PM
Morales, Kathleen	9/29/2021	9:30 AM
Chism, John	9/29/2021	1:30 PM

5. Please also find attached written discovery for selected Replacement Opt-Ins. As noted in Molly's email earlier today, to the extent we receive responses from any of the 24 Opt-Ins whose written discovery responses remain outstanding, we can discuss whether it makes sense for Lowe's to withdraw our requests to the additional group. While we understand Plaintiffs' position is that it is premature for any additional Opt-Ins to be served with discovery, we have chosen the recipients pursuant to the parties' agreed-upon methodology. In particular, the recipients were selected as follows:
 - a. Tab One of the attached "August 2021 Replacements" spreadsheet shows the geographic distribution of needed replacements, and the allocation of those replacements between Plaintiffs and Lowe's.
 - i. As before, we rotated the "odd" numbered choices (*i.e.*, when an individual state had an odd number of slots) between sides, starting with Plaintiffs getting the "odd" choice. (The final odd numbered choice in July was made by Defendants.)
 - ii. Of the 24 Opt-Ins who potentially will need to be replaced, 3 are from New Mexico, where no further replacements are available. (All Opt-Ins from the state already have been served discovery.) Thus, there were only 21 selections to make, not 24.
 - iii. Of the 21, Plaintiffs were assigned 11, and Defendants 10.
 - b. Next, for each relevant state, the appropriate number of Plaintiff selections were made using the highest-ranked individual from Edgeworth's random selection roster who was not previously selected for the state. Defendants then selected their assigned quotas from the remaining universe of eligible Opt-Ins (*i.e.*, those not selected in prior rounds or by Plaintiffs in this round).
 - i. As you may recall, in July of this year when Edgeworth ran a round of random selection, they provided randomized rankings for 12 individuals from each state to ensure the availability of "spares" beyond the 35 needed for the July selections.
 - ii. That spreadsheet ("2021.07.06 – July 2021 Replacements (to Plaintiffs).xlsx") is attached again for your reference, and was utilized for this exercise.

- c. The end result of names, states, and employee IDs for the new group of 21 Opt-Ins is shown in Tab Two of the "August 2021" spreadsheet.

Thanks,
Matt

Matthew Sappington

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Monday, August 30, 2021 2:59 PM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRash@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Good Afternoon Counsel,

Please find updates below:

- Please find attached the amended deposition notice for Cindi Clark-30(b)(6) CO, NV, WA confirmed for Wednesday, September 8th at 9:30am ET.
- Please advise if Douglas Goto-30(b)(6) MD, WV is able to reschedule his deposition for September 14th or 16th. He is currently scheduled for Thursday, September 2nd at 9:30am ET.
- Please advise if Nicholas Caughell-30(b)(6) IL is available to start his deposition at 9:00am ET, instead of 9:30am ET.
- Please find updates below:

1.	Ortiz, Georgina	9/7/2021	9:30 AM	Postpone and reschedule
2.	Shepherd, Michelle	9/8/2021	9:30 AM	Postpone and reschedule
3.	Durling, Sharon	9/8/2021	1:30 PM	Postpone and reschedule

4.	Lugo, Jason	9/9/2021	1:30 PM	Postpone and reschedule
5.	Quick, Cameron	9/9/2021	2:30 PM	Confirmed for 09/03/2021 at 1:30pm ET
6.	Schermann, Stephen	9/10/2021	9:30 AM	Postpone and reschedule
7.	Arens, Matthew	9/10/2021	1:30 PM	Pending confirmation

Michael Young- 8/31/2021	██████████@gmail.com	Elaina Bailey	EBailey@sommerspc.com Cell: (734) 552-2175
Elizabeth Nickel- 9/01/2021	██████████@gmail.com	Rob Ash	CRAsh@sommerspc.com Cell: (734) 347-3390
Jessica Alvarado- 9/02/2021	██████████@yahoo.com	Elaina Bailey	EBailey@sommerspc.com Cell: (734) 552-2175

I will update the information for Valiente, Johnson and Quick as soon as possible.

We are continuing our efforts to reschedule depositions that have been postponed and produce discovery as requested. We will be producing Arthur Romero's discovery requests as soon as possible.

Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group
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From: Sappington, Matthew <MSappington@gibsondunn.com>

Sent: Friday, August 27, 2021 5:16 PM

To: Malecki, Andrew S <AMalecki@sommerspc.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Sappington, Matthew <MSappington@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Please note the following with respect to deposition scheduling:

1. Because **Arthur Romero** did not produce his overdue discovery responses by the close of business today, his deposition (noticed for 9/1 at 9:30 a.m. ET) will not be proceeding on the noticed date. Please provide his written discovery responses promptly and, at the same time, dates for his rescheduled deposition.
2. Given all the back and forth this week, and to avoid any ambiguities/miscommunications, we have set forth our understanding of next week's schedule for depositions of Opt-In Plaintiffs. Please let us know if it is not your understanding.
 - a. **Michael Young** - 8/31 at 9:30 a.m. ET
 - b. **Elizabeth Nickel** - 9/1 at 1:30 p.m. ET
 - c. **Oscar Valiente** - 9/1 at 2:30 p.m. ET
 - d. **William "Scott" Long** - 9/2 at 9:30 a.m. ET
 - e. **Jessica Alvarado** - 9/2 at 1:30 p.m. ET
 - f. **Christopher Johnson** - 9/3 at 9:30 a.m. ET
 - g. **Cameron Quick** - 9/3 at 1:30 p.m. ET

Thanks,
Matt

Matthew Sappington

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From: Malecki, Andrew S <AMalecki@sommerspc.com>

Sent: Friday, August 27, 2021 1:09 PM

To: Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Sappington, Matthew <MSappington@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Oscar Valiente is not available on 08/31 at 1:30 p.m. and has been rescheduled to 09/01 at 2:30 p.m.

Michael Young is available on 08/31 at 9:30 a.m.

Cameron Quick is available on 09/03, as listed in my email yesterday.

Additionally, **William "Scott" Long** is confirmed for 09/02 at 9:30.

Thank you!

Andrew S. Malecki

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From: Schnitzer, David A. <DSchnitzer@gibsondunn.com>

Sent: Friday, August 27, 2021 12:07 PM

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Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Please note the following with regard to depositions requested/noticed by Lowe's:

In addition to the numerous depositions which have been cancelled and for which no alternative dates have been provided:

1. **Depositions Next Week For Which We Need Confirmation.** We still are waiting on the answers to our inquiry below regarding **Oscar Valiente**; please confirm whether Valiente will proceed on 8/31 at 1:30 p.m. (as noticed), or on 9/1 at 2:30 p.m. (as listed in your email yesterday). In addition, we still are waiting on word regarding **Michael Young** and whether he will proceed on 8/31 at 9:30 a.m. (as noticed) or be dismissed from the case. Please advise ASAP; Mr. Young's deposition is now less than two business days away and you have not told us whether he will be appearing.
2. **Overdue Discovery Responses.** We are still awaiting the overdue discovery responses from **Arthur Romero** (noticed and confirmed for 9/1). As we noted, he must provide those responses by COB today for his deposition to go forward as scheduled on Wednesday. Please provide those materials today.
3. **Depositions The Week Of 9/6.** In order to provide us at least one week's notice—for which we repeatedly and consistently have asked, but which you have routinely denied—please confirm by **Monday at 12:00 p.m. ET** whether the below depositions noticed for the week of 9/6 will proceed as scheduled, or alternatively, please provide firm dates on which the plaintiffs will appear, or agreement to their dismissal. Please also confirm that

Cameron Quick will proceed on 9/9 at 2:30 p.m., as originally confirmed, and not on 9/3, as listed in your email yesterday.

	Deponent	Date	Start Time
1.	Ortiz, Georgina	9/7/2021	9:30 AM
2.	Shepherd, Michelle	9/8/2021	9:30 AM
3.	Durling, Sharon	9/8/2021	1:30 PM
4.	Lugo, Jason	9/9/2021	1:30 PM
5.	Quick, Cameron	9/9/2021	2:30 PM
6.	Schermann, Stephen	9/10/2021	9:30 AM
7.	Arens, Matthew	9/10/2021	1:30 PM

In addition, please note the following with regard to depositions requested/noticed by Plaintiffs:

Susan Addison is a witness who can testify in lieu of Dupre Little in response to Jason Thompson's request. Addison is Director of HR Compliance. She has worked in HR-related roles at Lowe's on the corporate level for most of the last 25 years. Addison is available for deposition on 9/17. If that date works for you, please issue a notice of deposition.

Thanks,
David

David A. Schnitzer

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From: Malecki, Andrew S <AMalecki@sommerspc.com>

Sent: Thursday, August 26, 2021 4:37 PM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

I've been calling clients and have updated your chart to reflect the current status. Mr. Young will have an answer for me tomorrow at the latest.

	Deponent	Date	Start Time	Status
•	Hight, James	8/30/2021	9:30 AM	Rescheduling
•	Young, Michael	8/31/2021	9:30 AM	Pending
•	Nickel, Elizabeth	9/1/2021	1:30 PM	Confirmed
•	Gunnoe, Dawn	9/2/2021	9:30 AM	Rescheduling

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From: Sappington, Matthew <MSappington@gibsondunn.com>

Sent: Thursday, August 26, 2021 4:20 PM

To: Malecki, Andrew S <AMalecki@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>

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Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

All:

Thank you for the various updates earlier this afternoon regarding depositions and dismissals.

Most immediately, please provide clarity as to the following:

- **Arthur Romero (9/1):** Mr. Romero has not responded to written discovery due almost 3 weeks ago. He must provide those responses by COB tomorrow for his deposition to go forward as scheduled on Wednesday. Please advise ASAP on the status of those responses.
- There are *four* depositions scheduled for next week as to which you have neither provided confirmation *nor* agreement of dismissal, including for Monday and Tuesday morning. Please advise today by COB (5:00 p.m. ET) whether these depositions are moving forward. It is unreasonable that we lack clarity on these depositions so close to the noticed dates, and weeks after they were noticed. We have repeatedly asked for a week's notice, at minimum. Please provide confirmation today as to these individuals:

	Deponent	Date	Start Time
•	Hight, James	8/30/2021	9:30 AM
•	Young, Michael	8/31/2021	9:30 AM
•	Nickel, Elizabeth	9/1/2021	1:30 PM
•	Gunnoe, Dawn	9/2/2021	9:30 AM

- Cameron Quick had offered 9/7 or 9/9 at 2:30 p.m. (on 8/18); we responded that day and re-noticed his deposition for 9/9 at 2:30 p.m. (See attached.) This afternoon, you sent a note, saying he was confirmed for 9/3 at 1:30 p.m. Please confirm that Quick's deposition is in fact set for 9/9 at 2:30—the date he offered and the date for which we noticed it.
- Oscar Valiente was re-noticed for 8/31 at 1:30 pm (after failing to appear earlier this summer). Today, you sent a note confirming him for 9/1 at 2:30 pm—not the date for which we re-noticed his deposition. We are able, as a courtesy, to accommodate either slot. But please clarify promptly when he is planning to appear. The operative notice of deposition is attached.

In addition, please note the following with regard to depositions requested/noticed by Plaintiffs:

- **Jennifer Melvin**, Workforce Management Engineering Manager since late 2019, is available for deposition on 9/21. If that date works for you, please issue a notice of deposition.
- **Cindi Clark** (30(b)(6) for CO, NV, WA) is confirmed for 9/8. Please issue an amended notice of deposition.

Thanks,
Matt

Matthew Sappington

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From: Malecki, Andrew S <AMalecki@sommerspc.com>

Sent: Thursday, August 26, 2021 2:26 PM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; kstoops@sommerspc.com

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Subject: RE: Lowe's MDL | Depositions

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Counsel:

Cameron Quick has also confirmed a deposition for September 3rd at 1:30.

Thank you!

Andrew S. Malecki

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From: Malecki, Andrew S

Sent: Thursday, August 26, 2021 12:20 PM

To: 'Sappington, Matthew' <MSappington@gibsondunn.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>

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Subject: RE: Lowe's MDL | Depositions

Good afternoon counsel:

Below, please see our confirmed depositions for next week. Please note that Oscar Valiente's deposition is starting at a later time than usual.

Jeffrey Zier	Confirmed 08/27 1:30
Oscar Valiente	Confirmed 09/01 2:30
Arthur Romero	Confirmed 09/01 9:30
Jessica Alvarado	Confirmed 09/02 1:30
C. Johnson	Confirmed 09/03 9:30

Thank you!

Andrew S. Malecki

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From: Sappington, Matthew <MSappington@gibsondunn.com>

Sent: Thursday, August 26, 2021 10:26 AM

To: Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>

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Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

1. Ms. Crowel is confirmed for tomorrow.

2. **Please confirm immediately** whether the 16 depositions noticed by Lowe's for the next two weeks are proceeding, including the **four depositions noticed for Monday, 8/30 and Tuesday, 8/31 (James Hight, David DeLorenzo, Michael Young, and Oscar Valiente)**. These depositions are now 2–3 business days away and have not been confirmed. In addition, this is the third time **this week** that we have had to request confirmation. Plaintiffs' repeated, continuous, and prolonged delay in providing deposition dates—including for the 21 Named and Opt-In Plaintiffs whose depositions you have postponed in the last three weeks, all without providing alternative dates—is unfairly prejudicing Lowe's.

Thanks,
Matt

Matthew Sappington

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From: Vaughn, Wendy E <WVaughn@sommerspc.com>

Sent: Thursday, August 26, 2021 8:26 AM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Senger, Molly T. <MSenger@gibsondunn.com>;

Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; kstoops@sommerspc.com

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<MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker

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Subject: RE: Lowe's MDL | Depositions

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Counsel,

Attached please find an amended notice of deposition for the 30(b)(6) witness, Todd Byrd, for AR, MN, and MO.

Also, please confirm the 30(b)(6) deposition of Heidi Crowel /NY, MA for tomorrow August 27th at 9:30 a.m. [EDT].

Thank you,

Wendy E. Vaughn, Legal Assistant to
Jason J. Thompson, Rod M. Johnston and
Elaina S. Bailey

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From: Sappington, Matthew <MSappington@gibsondunn.com>
Sent: Wednesday, August 25, 2021 10:05 AM
To: Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>
Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>
Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Please note the following with regard to deposition scheduling:

1. As we previously advised, the following individuals no longer are Lowe's employees. We thus far have been unable to secure dates for their appearances, and therefore, you should assume they are not proceeding on the noticed dates: **Nick Thompson** (noticed for 9/1); **David Williams** (noticed for 9/1); **Ismet Ekin** (noticed for 9/2); and **Scott Knapp** (noticed for 9/3).
2. We did not receive a response to our request on Monday, 8/23, for confirmation as to the 16 depositions noticed for the next two weeks. Please let us know immediately whether these—in particular, the 9 scheduled for next week—will be proceeding, and if not, alternate dates for each individual.
3. Todd Byrd can serve as the 30(b)(6) witness for AR, MN, and MO, replacing James Brandt. Mr. Byrd is available on 9/13. Please let us know whether that date works for you and, if so, please issue a notice of deposition.

We look forward to hearing from you ASAP.

Thanks,

Matt

Matthew Sappington

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Tel +1 202.955.8254 • Fax +1 202.831.6084
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From: Sappington, Matthew

Sent: Monday, August 23, 2021 3:02 PM

To: Vaughn, Wendy E <WVaughn@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

Counsel:

Thank you for the amended notice for Mr. Caughell. We will circle back with confirmation regarding Ms. Clark.

In addition, the below depositions have been noticed for the next two weeks. Could you please let us know ASAP—by tomorrow, 8/24—whether these 16 depositions will be proceeding as noticed?

Thanks,
Matt

	Deponent	Date	Start Time
1.	Hight, James	8/30/2021	9:30 AM
2.	DeLorenzo, David	8/30/2021	1:30 PM
3.	Young, Michael	8/31/2021	9:30 AM
4.	Valiente, Oscar	8/31/2021	1:30 PM
5.	Romero, Arthur	9/1/2021	9:30 AM
6.	Nickel, Elizabeth	9/1/2021	1:30 PM
7.	Gunnoe, Dawn	9/2/2021	9:30 AM

8.	Alvarado, Jessica	9/2/2021	1:30 PM
9.	Johnson, Christopher	9/3/2021	9:30 AM
10.	Ortiz, Georgina	9/7/2021	9:30 AM
11.	Shepherd, Michelle	9/8/2021	9:30 AM
12.	Durling, Sharon	9/8/2021	1:30 PM
13.	Ayer, Keith	9/9/2021	9:30 AM
14.	Lugo, Jason	9/9/2021	1:30 PM
15.	Schermann, Stephen	9/10/2021	9:30 AM
16.	Arens, Matthew	9/10/2021	1:30 PM

Matthew Sappington

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From: Vaughn, Wendy E <WVaughn@sommerspc.com>
Sent: Monday, August 23, 2021 2:53 PM
To: Senger, Molly T. <MSenger@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>; kstoops@sommerspc.com
Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>
Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Counsel,

Attached is an amended notice of deposition of Mr. Caughell for September 3, 2021.

Also, please be advised that September 8th is a good date for the deposition of Cindi Clark [CO/NV/WV]. Let us know if that date is still good for Ms. Clark and we will issue an amended notice.

Thank you.

Wendy E. Vaughn, Legal Assistant
One Towne Square, 17th Floor | Southfield, MI 48076
Direct Dial: (248) 415-3176 | Direct Fax: (248) 936-2126
www.sommerspc.com

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From: Senger, Molly T. <MSenger@gibsondunn.com>
Sent: Friday, August 20, 2021 4:30 PM
To: Vaughn, Wendy E <WVaughn@sommerspc.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>
Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S <AMalecki@sommerspc.com>
Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Mr. Caughell can be available on 9/3 at 9:30 AM. Please issue an amended notice.

In addition, please note the following:

- Jim Brandt (AR/MN/MO) will be leaving the company next week and we will therefore be designating a different representative to cover AR, MN, and MO. In the meantime, please consider the deposition next Thursday, 8/26, cancelled.
- We provided you with dates for Cindi Clark (CO/NV/WA) on 8/11 but have not heard back. Please let us know whether any of the originally offered dates (9/7, 9/8, and 9/9) work for you, so we can then check to see if they still work for Ms. Clark.

Thanks,
Molly

Molly Senger

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From: Vaughn, Wendy E <WVaughn@sommerspc.com>

Sent: Friday, August 20, 2021 10:40 AM

To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>;

Sappington, Matthew <MSappington@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>;

Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam

<ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R.

<MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker

<tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M

<RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Nichols, Debbie A

<DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor

<zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory,

Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Malecki, Andrew S

<AMalecki@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Counsel,

The 30(b)(6) deposition of Nicholas Caughell/IL currently scheduled for August 27 at 9:30am [ET] needs to be adjourned. Please advise if the proposed date of **September 3 at 9:30 a.m. [ET]** will work.

Thank you.

Wendy E. Vaughn, Legal Assistant

One Towne Square, 17th Floor | Southfield, MI 48076

Direct Dial: (248) 415-3176 | Direct Fax: (248) 936-2126

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Wednesday, August 18, 2021 12:31 PM

To: Senger, Molly T. <MSenger@gibsondunn.com>; Sappington, Matthew <MSappington@gibsondunn.com>; Stoops,

Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Malecki, Andrew S <AMalecki@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

Good Afternoon Counsel,

Please confirm if the following will be appearing for their noticed dates:

1. Mary Day - August 20 at 9:30am ET
2. Mark Darcey -August 20 at 1:30pm ET
3. Michael Gregory - August 23 at 9:30am ET
4. Chris Savage - August 23 at 1:30pm ET
5. Mike Lomis - August 24 at 9:30am ET
6. Richmond Epps - August 24 at 1:30pm ET
7. Ram Krishnamurthy- August 25 at 9:30am ET
8. Mary Lou Villers- August 25 at 9:30am ET
9. George Saunders- August 25 at 1:30pm ET
10. Jamie Hill- August 26 at 9:30am ET
11. Greg Nolan- August 26 at 1:30pm ET
12. Valerie Lane- August 27 at 9:30am
13. Craig Store -August 27 at 1:30pm ET
14. Greg Morris-August 30 at 9:30am ET
15. Gene Allison -August 30 at 1:30pm ET
16. LeShaun Pettit-August 30 at 1:30pm ET

The following depositions have been confirmed:

- Opt-In Jeffrey Zier-August 27th
- Opt-In Sarah Austin- September 13th

The following needs to reschedule:

- Opt-In Cameron Quick is available September 7th or September 9th starting at 2:30pm ET. Please advise.

Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group

One Towne Square, 17th Floor | Southfield, MI 48076
Direct Dial: (248) 746-4593 | Direct Fax: (248) 936-2147
dvanderbeke@sommerspc.com | www.sommerspc.com

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From: Vanderbeke, Danelle J
Sent: Monday, August 16, 2021 2:01 PM
To: 'Senger, Molly T.' <MSenger@gibsondunn.com>; Sappington, Matthew <MSappington@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>
Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>
Subject: RE: Lowe's MDL | Depositions

Ms. Senger,

Thank you for confirming.

Regards,

Danelle J. Vanderbeke

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From: Senger, Molly T. <MSenger@gibsondunn.com>

Sent: Monday, August 16, 2021 1:52 PM

To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Sappington, Matthew <MSappington@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Gregory, Matt <MGregory@gibsondunn.com>; Mousa, Amina <AMousa@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Ms. Vanderbeke:

Thank you. Estes's deposition is confirmed for this Friday, 8/20.

We will circle back regarding the other three deponents whose availability you have provided below.

-- Molly

Molly Senger

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Monday, August 16, 2021 1:49 PM

To: Sappington, Matthew <MSappington@gibsondunn.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Good Afternoon Counsel,

I wanted to follow up regarding Named Plaintiff Kindsay Estes. I do not believe that you responded to her deposition availability that was given in my August 5th email (please see below). Ms. Kindsay would like to confirm if her deposition will be going on Friday, August 20th.

Please find additional Opt-In deposition availability below:

- Trent McQueen-August 23rd at 1:30pm ET- Confirmed
- Justen Moore- August 24th at 1:30pm ET- Confirmed
- Susy Rader- September 7th. Due to Ms. Rader's work schedule, she would like to know if it is possible to start her deposition at 2:30pm ET instead of 1:30pm ET. Please advise.

We are continuing to our efforts to provide more availability and confirmations to the requested depositions.

Thank you.

Regards,

Danelle J. Vanderbeke

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From: Vanderbeke, Danelle J

Sent: Thursday, August 5, 2021 4:32 PM

To: 'Sappington, Matthew' <MSappington@gibsondunn.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVAughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

Good Afternoon Counsel,

Please find attached deposition notices for the following:

- Corrected 2nd Amended Notice for Douglas Goto (30(b)(6) MD, WV)-September 2, 2021 at 9:30am ET
- 2nd Amended Notice for James Brandt (30(b)(6) AR, MN, MO)- August 26, 2021 at 9:30am ET
- Amended Notice for Richard Hughes- September 2, 2021 at 9:30am ET

In regards to your earlier email today:

- Please confirm Nathan Bradfield's deposition for August 30, 2021 at 9:30am ET
- Please confirm Ben Boldin's deposition for September 10, 2021 at 9:30am ET
- Please confirm Jason Cottle's deposition for September 13, 2021 at 9:30am ET
- Amended deposition notices will follow

Please find updates below regarding availability:

- Opt-In Sean O'Connor is not available on August 25, 2021, but he is available on August 16, 2021 at 9:30am ET with a hard stop at 2:30pm ET.
- Named Plaintiff Kindsay Estes is available on August 20, 2021.
- Please provide dates of availability for Cindi Clark (30(b)(6) CO, NV, WA) in September

We are continuing our efforts to get dates of availability and confirm dates for the remaining requested depositions.

Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group
One Towne Square, 17th Floor | Southfield, MI 48076
Direct Dial: (248) 746-4593 | Direct Fax: (248) 936-2147
dvanderbeke@sommerspc.com | www.sommerspc.com

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From: Sappington, Matthew <MSappington@gibsondunn.com>

Sent: Thursday, August 5, 2021 1:43 PM

To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Please note the following with regard to deposition scheduling:

1. **Nathan Bradfield** is available to be deposed on 8/30–9/2.
2. **Ben Boldin** is available to be deposed on 9/10.
3. **Jason Cottle** is available to be deposed on 9/13 and 9/27.

We still are checking on dates for your other requested deponents and will get back to you as soon as we can. In the meantime, please confirm ASAP whether the above dates (and the dates in my 8/4 email below) work for you.

Thanks,
Matt

Matthew Sappington

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W., Washington, DC 20036-5306

From: Sappington, Matthew

Sent: Wednesday, August 4, 2021 1:53 PM

To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRash@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

Counsel:

Please note the following with regard to deposition scheduling:

1. **James Brandt** (30(b)(6), AR, MN, and MO) is available to be deposed on 8/26 and 8/27. Please confirm whether either of those dates work for you.
2. **Cindi Clark** (30(b)(6), CO, NV, and WA)—currently scheduled for 8/12—needs to be postponed. We will circle back with proposed new dates ASAP.
3. **Richard Hughes** is available to be deposed on 8/30–9/2. Please confirm whether any of those dates work for you.
4. **Douglas Goto**. As stated in Danelle's 7/30 email, Mr. Goto is the 30(b)(6) representative for Maryland and West Virginia. We assume that the references to Arkansas in the attached 2nd amended notice for Mr. Goto simply were clerical errors. Please proceed with a new notice for Mr. Goto.

We still are checking on dates for your other requested deponents and will get back to you as soon as we can.

Thanks,
Matt

Matthew Sappington

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MSappington@gibsondunn.com • www.gibsondunn.com

From: Sappington, Matthew

Sent: Monday, August 2, 2021 9:42 PM

To: 'Vanderbeke, Danelle J' <DVanderbeke@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDdziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; jrusch@johnsonbecker.com; Gorman, Brian <BGorman@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

All:

Please find attached notices of depositions for the below-listed individuals. As you will see, because we have not heard from you regarding the deponents' availability, we have selected dates in August beginning on August 12. Please advise as soon as possible whether they can appear on the noticed dates.

Named Plaintiffs

- Stephanie Suazo - August 12 at 10:30 a.m. ET
- Jennifer Belaski - August 17 at 9:30 a.m. ET
- Kindsey Estes - August 20 at 9:30 a.m. ET
- Kaitlin Forte - August 26 at 9:30 a.m. ET

Opt-In Plaintiffs

- Amanda Demato - August 17 at 9:30 a.m. ET
- Nicholas Glasser - August 18 at 9:30 a.m. ET
- Jeffrey Hurteau - August 19 at 9:30 a.m. ET
- Carrie Krapf - August 20 at 9:30 a.m. ET
- Alesandro Camargo - August 24 at 1:30 p.m. ET
- Sean O'Connor - August 25 at 9:30 a.m. ET
- BJ Pope - August 26 at 9:30 a.m. ET
- James Salyers - August 26 at 1:30 p.m. ET
- Margaret Stanton - August 27 at 9:30 a.m. ET
- David DeLorenzo - August 30 at 1:30 p.m. ET
- Michael Young - August 31 at 9:30 a.m. ET
- Oscar Valiente - August 31 at 1:30 p.m. ET

Furthermore, there are 10 additional opt-in plaintiffs whose depositions Lowe's is noticing. Please advise as soon as possible whether they can appear on the noticed dates.

Additional Opt-In Plaintiffs

- David Berry - August 18 at 9:30 a.m. ET
- Venecia Guntharp - August 18 at 1:30 p.m. ET
- Elaine Martinez - August 19 at 9:30 a.m. ET

- Matthew Thornton - August 19 at 1:30 p.m. ET
- Diana Brandes - August 20 at 9:30 a.m. ET
- Ryan Murphy - August 20 at 1:30 p.m. ET
- Tom Robinson - August 23 at 9:30 a.m. ET
- Trent McQueen - August 23 at 1:30 p.m. ET
- Heather Dowell - August 24 at 9:30 a.m. ET
- Justen Moore - August 24 at 1:30 p.m. ET

Thanks,
Matt

Matthew Sappington

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>
Sent: Friday, July 30, 2021 5:39 PM
To: Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com
Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRash@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; Sappington, Matthew <MSappington@gibsondunn.com>; jrusch@johnsonbecker.com; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Gorman, Brian <BGorman@gibsondunn.com>
Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Counsel,

Please find amended deposition notices for the following:

- 30(b)(6) Coby Leleaux/PA- August 16 at 9:30am ET
- 30(b)(6) Ramandeep Kakar/OH- August 18 at 9:30am ET
- 30(b)(6) Nicholas Caughell/IL- August 27 at 9:30am ET
- 30(b)(6) Douglas Goto/ MD, WV- September 2 at 9:30am ET
- Stuart Whitman- August 26 at 9:30am ET

Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group

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From: Senger, Molly T. <MSenger@gibsondunn.com>

Sent: Thursday, July 29, 2021 12:21 PM

To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S

<EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G.

<KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A.

<DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara

<CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri

<amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R

<TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>;

Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor

<zkaylor@johnsonbecker.com>; Sappington, Matthew <MSappington@gibsondunn.com>

Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Please note the following with respect to deposition scheduling:

1. **Ram Krishnamurthy**—which has been confirmed for 8/25—will proceed in person in North Carolina on our end. If you wish to be remote while we are there in person, please let us know.
2. **Douglas Goto** (30(b)(6), MD and WV) is available on your requested date of 9/2. Please confirm that date still works.
3. **Coby Leleaux** (30(b)(6), PA) is confirmed for 8/16 at 9:30 a.m. EDT.
4. **James Brandt** (30(b)(6), AR, MN, and MO)—currently scheduled for 8/5—needs to be postponed. We will circle back with proposed new dates ASAP.

Thanks,
Molly

Molly Senger

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Wednesday, July 28, 2021 4:04 PM

To: kstoops@sommerspc.com; Senger, Molly T. <MSenger@gibsondunn.com>

Cc: jthompson@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Counsel,

Please be advised that we have been in contact with Opt-In Christopher Russo and we will be cancelling his deposition scheduled for Friday, July 30th. Mr. Russo will be dismissed from the litigation.

Thank you.

Regards,

Danelle J. Vanderbeke

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Tuesday, July 27, 2021 6:09 PM

To: Stoops, Kevin J <KStoops@sommerspc.com>; Senger, Molly T. <MSenger@gibsondunn.com>

Cc: Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

Good Evening Counsel,

Thank you for the updates. In further response to your email from yesterday:

- Please confirm the 30(b)(6) deposition of Coby Leleaux/Pennsylvania for August 16th at 9:30am EDT. An amended notice will follow.
- I am confirming our availability for dates provided by 30(b)(6) Nicholas Caughell/ Illinois and Ramandeep Kakar/Ohio. Deposition notices will follow once confirmed.
- Please forward dates of availability for the following:
 - Vanessa Church, Workforce Management Analyst
 - Valerie Lane, former Area HR Manager
 - Nathan Bradfield, Senior Corporate Investigator
 - David Williams, former store manager of store #2823
 - Ismet Eikn, former store manager
 - Albert Preiwisch, former store manager of store #0191
 - Scott Knapp, former store manager of store #0080
- Named Plaintiff Kindsay Estes is changing jobs and will provide dates for her deposition once she is settled.
- Opt-Ins Sean O'Connor and James Salyers are working with their employer to get dates of availability for their deposition.
- We are continuing to contact the remaining Named Plaintiffs and Opt-Ins for availability to reschedule/schedule their depositions.

Thank you.

Regards,

Danelle J. Vanderbeke

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Direct Dial: (248) 746-4593 | Direct Fax: (248) 936-2147

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From: Stoops, Kevin J <KStoops@sommerspc.com>
Sent: Monday, July 26, 2021 9:04 PM
To: Senger, Molly T. <MSenger@gibsondunn.com>
Cc: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Thompson, Jason J <JThompson@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>; Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRash@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Zack Kaylor <zkaylor@johnsonbecker.com>
Subject: Re: Lowe's MDL | Depositions

Molly

I can confirm the dates you provided for the Whitman and Ram dep.

Thanks

Kevin

Sent from my iPhone

On Jul 26, 2021, at 8:05 PM, Senger, Molly T. <MSenger@gibsondunn.com> wrote:

[EXTERNAL EMAIL]

Counsel:

In terms of your two emails on Friday afternoon regarding deposition dates and scheduling, please see below:

- **James Hilliard** needs to reschedule his 8/3 deposition. He is currently out of the office, but we will revert with new dates shortly.

- **Coby Leleaux (30(b)(6), PA)** needs to reschedule his 8/2 deposition. Mr. Leleaux is available 8/16, 8/17, or 8/19. Please let us know if one of those dates would work.
- **Nicholas Caughell (30(b)(6), IL)** is available to be deposed 8/18 – 8/20, or 8/25-8/27. Please let us know if one of those dates would work.
- **Ram Krishnamurthy** is available 8/25. Please let us know ASAP if that date works.
- **Stuart Whitman** is available to be deposed on 8/26.
- We are checking with **Doug Goto (30(b)(6), MD)** to see if any of your requested dates will work.
- Regarding the requested date for **Janice Dupré Little**, Executive Vice President, Human Resources: Please provide more information for the basis of the request to depose Ms. Little. There is “no question” that, as an Executive Vice President, she is covered by the apex doctrine. *Performance Sales & Mktg. LLC v. Lowe’s Cos.*, No. 5:07-CV-00140-RLV, 2012 WL 4061680, at *1, 4 (W.D.N.C. Sept. 14, 2012) (reversing order allowing deposition of three Lowe’s executives, including two Executive Vice Presidents). Moreover, she has been in her current role for just over a year. Press Release, Lowe’s Appoints Janice Dupre Little Executive Vice President, Human Resources (June 23, 2020), <https://prn.to/3rzWJid>. That underscores her lack of the “unique or special knowledge of the facts at issue” required for a deposition of a high-ranking corporate officer. *Performance Sales*, 2012 WL 4061680, at *3. Beyond that, the doctrine requires that “other less burdensome avenues for obtaining the information sought have been exhausted.” *Id.* Accordingly, Lowe’s requests that you provide information justifying the deposition of Ms. Little. See also e.g., *RLI Ins. Co. v. Nexus Servs., Inc.*, No. 5:18-CV-00066, 2020 WL 2311668, at *3 (W.D. Va. May 8, 2020); *Smithfield Bus. Park, LLC v. SLR Int’l Corp.*, No. 5:12-CV-282-F, 2014 WL 547078, at *2 (E.D.N.C. Feb. 10, 2014).

Thanks,
Molly

Molly Senger

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Friday, July 23, 2021 4:28 PM

To: Senger, Molly T. <MSenger@gibsondunn.com>; jthompson@sommerspc.com; kstoops@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>

Cc: Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRash@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[WARNING: External Email]

Counsel,

Please find attached amended deposition notices regarding the following:

- Monday, August 2, 2021-30(b)(6) Pennsylvania/Coby Leleaux
- Tuesday, August 3, 2021- 30(b)(6) New Mexico/ Bret Romero
- Wednesday, August 4, 2021- 30(b)(6) CT, NJ/ Paula Rubio
- Thursday, August 5, 2021- 30(b)(6) AR, MN, MO/ James Brandt
- Thursday, August 12, 2021-30(b)(6) CO, NV, WA/ Cindi Clark
- Friday, August 27, 2021- 30(b)(6) NY, MA/ Heidi Crowel
- Tuesday, August 31, 2021- 30(b)(6) NC, SC/ Jenn Nagy

Please advise of the following:

If 30(b)(6) Douglas Goto (MD, WV) is available August 30, 31 or September 1, 2, 3 to reschedule his deposition. August 25 does not work for us.

If Executive Vice President of Human Resources-Janice Dupre-Little is available for a deposition in early September.

If Stuart Whitman is available August 25 or 26 to reschedule his deposition. August 20 does not work for us.

Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Sent: Friday, July 23, 2021 4:03 PM

To: Senger, Molly T. <MSenger@gibsondunn.com>; Thompson, Jason J <JThompson@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>

Cc: Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRash@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

Good Afternoon Counsel,

Please find attached the links from Veritext regarding the following depositions:

- Tuesday, July 27, 2021 at 9:30am EDT- 30b6 Kentucky/A.J. Henry
- Tuesday, August 3, 2021 at 9:30am EDT- James Hilliard
- Thursday, August 5, 2021 at 9:30am EDT- Dennis Shanley
- Wednesday, August 11, 2021 at 9:30am EDT- Annette Groseclose

Please be advised that if you would like to request any additional services that Veritext offers (Rough draft, Realtime, etc.) please contact Ross Keating at calendar-corp@veritext.com to schedule.

Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group
One Towne Square, 17th Floor | Southfield, MI 48076
Direct Dial: (248) 746-4593 | Direct Fax: (248) 936-2147
dvanderbeke@sommerspc.com | www.sommerspc.com

<image002.png>

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From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>
Sent: Thursday, July 22, 2021 5:51 PM
To: Senger, Molly T. <MSenger@gibsondunn.com>; Thompson, Jason J <JThompson@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>
Cc: Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRash@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Zack Kaylor <zkaylor@johnsonbecker.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>
Subject: RE: Lowe's MDL | Depositions

Good Afternoon Counsel,

We are cancelling Opt-In Robin Shaw's deposition for tomorrow. Robin Shaw will be dismissed from the litigation.

Please find attached an Amended Notice of Deposition for the following:

James Hilliard- August 3, 2021 at 9:30am ET
Dennis Shanley- August 5, 2021 at 9:30am ET
Annette Groseclose- August 11, 2021 at 9:30am ET

Thank you.

Regards,

Danelle J. Vanderbeke

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dvanderbeke@sommerspc.com | www.sommerspc.com

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From: Vanderbeke, Danelle J
Sent: Wednesday, July 21, 2021 5:32 PM
To: 'Senger, Molly T.' <MSenger@gibsondunn.com>; Thompson, Jason J <JThompson@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>
Cc: Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; 'Fitzgerald, Cara' <CFitzgerald@gibsondunn.com>; 'Zack Kaylor' <zkaylor@johnsonbecker.com>
Subject: RE: Lowe's MDL | Depositions

Good Afternoon Counsel,

We are cancelling Named Plaintiff Daniel Gerber's deposition for tomorrow. Mr. Gerber will be dismissed from the case.

Please find a second amended deposition notice for A.J. Henry/Kentucky confirming his deposition as the designee for Kentucky on Tuesday, July 27th at 9:30am ET.

We are confirming dates for the rescheduled depositions below and will get back to you as soon as possible.

Thank you.

Regards,

Danelle J. Vanderbeke

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From: Senger, Molly T. <MSenger@gibsondunn.com>
Sent: Wednesday, July 21, 2021 9:50 AM
To: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Thompson, Jason J <JThompson@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>
Cc: Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; Kashima, Trenton R <TKashima@sommerspc.com>; Ash, Rob <CRAsh@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>
Subject: RE: Lowe's MDL | Depositions

[EXTERNAL EMAIL]

Counsel:

Thank you for the information. We look forward to receiving dates for the individuals you have identified.

In terms of A.J. Henry, the Notice that you have attached is for Arkansas, and Henry is the designee for Kentucky. Please confirm you plan to proceed with Henry's deposition for Kentucky on 7/27.

Please note that July 23rd no longer works for Mr. Kakar's deposition (OH). He is available the week of 8/16. Please let us know a date that week that would work for his deposition.

In addition, July 30th no longer works for Ms. Clark's deposition (CO, NV, WA). She is available 8/10-8/12, or 8/25-8/27. Please let us know a date in those windows that would work for her deposition.

Mr. Goto (MD) is available to be deposed on 8/25. Ms. Crowel (NY, MA) is available to be deposed on 8/27 or 8/31. Jenn Nagy (NC, SC) is available to be deposed 8/18-8/19, 8/23-8/24, or 8/30-8/31.

Mr. Whitman is not available August 2-4 but could be available 8/20.

We can confirm Genna Hickey's deposition for Tuesday, August 3, 2021 at 9:30 am ET; however, Annette Groseclose's deposition needs to be moved from 8/9 to 8/11. Please confirm 8/11 works on your end.

We will revert with availability for Mr. Krishnamurthy and Mr. Caughell (IL).

Thanks,
Molly

Molly Senger

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1050 Connecticut Avenue, N.W., Washington, DC 20036-5306
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MSenger@gibsondunn.com • www.gibsondunn.com

From: Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>
Sent: Monday, July 19, 2021 6:17 PM

To: jthompson@sommerspc.com; Senger, Molly T. <MSenger@gibsondunn.com>; kstoops@sommerspc.com; Seth Lesser <seth@klafterlesser.com>; Bailey, Elaina S <EBailey@sommerspc.com>

Cc: Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Fitzgerald, Cara <CFitzgerald@gibsondunn.com>; Timothy Becker <tbecker@johnsonbecker.com>; Amir Alimehri <amir.alimehri@klafterlesser.com>; Johnston, Rod M <RJohnston@sommerspc.com>; tkashima@sommerspc.com; Ash, Rob <CRAsh@sommerspc.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>; Vaughn, Wendy E <WVaughn@sommerspc.com>; Nichols, Debbie A <DNichols@sommerspc.com>; DeCoste, Annette <ADeCoste@sommerspc.com>

Subject: RE: Lowe's MDL | Depositions

[External Email]

Good Evening Counsel,

Please find updates and responses to your July 15th email below:

- I have been in contact with Kindsay Estes, Oscar Valiente, James Salyers and Sean O'Connor. They are currently checking their schedules and I will let you know as soon as I have dates.
- We are continuing our efforts to reschedule Jennifer Belaski, Jeffrey Hurteau, Margaret Stanton, Amanda Demato, Nicholas Glasser, Carrie Krapf, Bettie Jean Pope, Kaitlin Forte and David DeLorenzo. I will confirm dates as soon as I have them.
- Confirmed, A.J. Henry's (KY) deposition July 27th at 9:30am ET.
- We would like to depose Stuart Whitman and Ram Krishnamurthy on August 2nd, 3rd or 4th. Please advise of their availability for these dates.
- Please confirm Genna Hickey's deposition for Tuesday, August 3, 2021 at 9:30am ET and Annette Groseclose's deposition for Monday, August 9, 2021 at 9:30am ET.
- Please advise of new dates of availability for 30(b)(6) deponents Doug Goto (MD, WV), Heidi Crowel (NY, MA), Jenn Nagy (NC, SC) and Nicholas Caughell (IL).
- For scheduling purposes, please forward the deponent/attorney information for the following 30(b)(6) depositions at your earliest convenience: July 23rd/Ramandeep Kakar (OH), July 27th/A.J. Henry (KY) and July 30th/Cindi Clark (CO, NV, WA).

Please find amended deposition notices attached. Thank you.

Regards,

Danelle J. Vanderbeke

Class Action and Complex Litigation Group

One Towne Square, 17th Floor | Southfield, MI 48076

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dvanderbeke@sommerspc.com | www.sommerspc.com

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From: Thompson, Jason J <JThompson@sommerspc.com>
Sent: Thursday, July 15, 2021 3:02 PM
To: Senger, Molly T. <MSenger@gibsondunn.com>; Stoops, Kevin J <KStoops@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>
Cc: Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>
Subject: RE: Lowe's MDL | 30(b)(6) Depositions; Mediation Date

These are all fine Molly, including the mediation.

From: Senger, Molly T. <MSenger@gibsondunn.com>
Sent: Thursday, July 15, 2021 2:55 PM
To: Thompson, Jason J <JThompson@sommerspc.com>; Stoops, Kevin J <KStoops@sommerspc.com>; Seth Lesser <seth@klafterlesser.com>; Vanderbeke, Danelle J <DVanderbeke@sommerspc.com>
Cc: Schwartz, Jason C. <JSchwartz@gibsondunn.com>; Nelson, Karl G. <KNelson@gibsondunn.com>; Doerr, Adam <ADoerr@robinsonbradshaw.com>; Schnitzer, David A. <DSchnitzer@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>
Subject: Lowe's MDL | 30(b)(6) Depositions; Mediation Date

[EXTERNAL EMAIL]

All:

We have some slight scheduling tweaks that we need to make to the 30(b)(6) deposition schedule.

We need to postpone the depositions of Ms. Nagy, who was set to be deposed on 7/27 (NC, SC), and Ms. Crowel (NY, MA), who was set for 7/26. We also need to move A.J. Henry (KY) (currently set to be deposed on 7/21), but we have confirmed that Mr. Henry is available on the 7/27 date vacated by Ms. Nagy, so we would suggest slotting him for that date. Separately, we will need to move the 7/22 date for Doug Goto (MD, WV) and the 7/29 date for Caughell (IL) to sometime in August; we will revert shortly with possible new dates for Goto, Nagy, Crowel and Caughell.

In the meantime, please confirm we can plan to proceed with Henry on 7/27, in place of Ms. Nagy.

The schedule for the next three weeks therefore would be as follows:

7/23 – Kakar (OH)
7/27 – Henry (KY)
7/30 – Clark (CO, NV, WA)
8/2 – Leleaux (PA)

8/3 – Romero (NM)
8/4 – Rubio (CT, NJ)
8/5 – Brandt (AR, MN, MO)

Separate from the above, please note that we have confirmed with Lowe's that **9/29 is our preferred mediation date**, which is still available for Linda Singer. Please let us know if we can proceed to confirm that date with Singer.

Look forward to speaking with you all later this afternoon.

Thanks,
Molly

Molly Senger

GIBSON DUNN

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